REMARKS

In response to the Office Action mailed March 24, 2009, the new Assignee (Nuance Communications, Inc.) respectfully requests reconsideration. Claims 1-10 and 30-39 (including independent claims 1, 30 and 39) were previously pending in this application. In this amendment, claims 1, 2, 7, 8, 30, 31, 35-37 and 39 have been amended and no claims have been added or canceled. As a result, claims 1-10 and 30-39 remain pending for examination with claims 1, 30 and 39 being independent. No new matter has been added.

I.   Rejections Under 35 U.S.C. §103

It is noted that prior counsel requested a constructive suggestion for a claim amendment in accordance with MPEP §706(II), and that the Examiner provided such a suggestion. The Examiner's efforts to advance the prosecution of the application are appreciated. However, the suggestion has not been adopted, as the claims as presented are believed to be patentable.

II.   Rejections Under 35 U.S.C. §103

The Examiner rejected claims 1-10 and 30-39 (including independent claims 1, 30 and 39) under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent No. 6,173,266 ("Marx") in view of U.S. Patent No. 7,266,181 ("Zirngibl").

The Assignee does not accede to the propriety of the combination of Marx and Zirngibl. However, the Assignee has not addressed the propriety of the combination because even if the cited combination were proper, the combination fails to disclose or suggest all of the features recited in each of the independent claims, as discussed below in connection with each of claims 1, 30 and 39.

        a.   Overview of Embodiments

Programmers of interactive speech applications are often faced with managing and preparing audio responses to catch events that occur during use of the speech application [See ¶ 0002 of application as filed]. Such catch events may include user requests for help, non-input entries (in which no user response is received), and non-matching entries (in which the user response is not

understood) [Id.]. The process of coding the audio messages for each specific catch event can be tedious and time-consuming [Id.].

The specification evidences an appreciation that programmers of interactive speech applications would benefit from having the option to select a specific style to be used for responding to catch events [Sec ¶s 0003-0004 of application as filed]. FIG. 1, reproduced below, shows a style-selection menu 100 that may be presented to the programmer of an interactive speech application [See ¶ 0020 and FIG. 1 of application as filed]. Within the style-selection menu 100, style template 120 allows the programmer to select a single style (i.e., "simple," "classic," or "modern") to correspond to a plurality of catch events (i.e., help, no input and non-match events) [Id.]. The style selected would correspond to text created to respond to a plurality of catch events, which could then be translated to code [See ¶ 0019 of application as filed.]. As a result, creation of text and/or code for each individual catch event becomes unnecessary, as one style may be selected for all catch events, simplifying the programmer's task in managing catch events [See ¶s 0018-0019 and FIG. 1 of application as filed.].
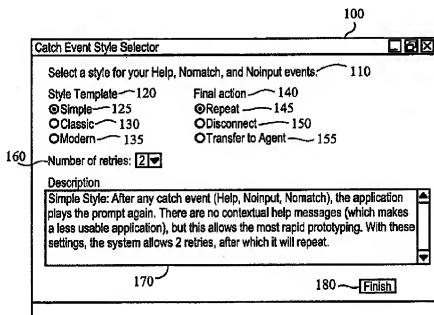

FIG. 1

The foregoing summary is provided to assist the Examiner in appreciating some aspects and/or applications of embodiments described in the present application. However, this summary may not apply to each of the independent claims, and the language of the independent claims may differ in material respects from the summary provided above. Thus, the Assignee respectfully requests that careful consideration be given to the language of each of the independent claims and that each be addressed on its own merits, without relying on the summary provided above. In this respect, the Assignee does not rely on the summary provided above to distinguish any of the claims over the prior art. Rather, the Assignee relies only upon the arguments provided below.

      b.   <u>Independent Claim 1</u>

As amended, claim 1 recites *inter alia* "presenting a style-selection menu for a plurality of catch styles that allows for selection of one or more of the catch styles, each catch style defining a system response to each of a plurality of catch events." The combination of Marx and Zirngibl does not teach or suggest this feature.

The Office Action concedes that Marx does not teach style selection or catch styles, but alleges that Zirngibl teaches this feature. In particular, the Office Action states:

> **Concerning independent claims 1, 30 and 39, the only elements not expressly disclosed by** *Marx et al.* **are the concepts of "style" selection and "catch styles."** *Marx et al.* **discloses a plurality of default templates for error conditions when a user response is not understood, where an error condition is equivalent to a "catch", but omits the concept of "style" in describing a "catch" and a process of selection.** However, it is known in the art of voice services to provide style sheets to create interactive voice services. **Specifically,** *Zirngibl et al.* **teaches a system and method for creation and automatic deployment of personalized dynamic and interactive voice services, where XML** [*sic*] **(extensible style sheet language) style sheets are provided to create voice services.** An objective is to maximum [*sic*] an administrator's voice service building capability. (Column 11, lines 32 to 49) It would have been obvious to one having ordinary skill in the art to apply a concept of "style" to selection of "catch styles" as taught by *Zirngibl et al.* in a Dialogue Module selection method of *Marx et al.* for a purpose of maximizing an administrator's voice service building capability. (Emphasis added.)

As noted by the Examiner in the passage above, Zirngibl teaches the use of XSL style sheets in connection with voice service building. In particular, Zirngibl teaches converting report data into options by application of an XSL (extensible style sheet language) style sheet (col. 11, lines 39-41).

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Such report data may comprise the status of a portfolio, and such options may comprise options to buy or sell stock (col. 10, lines 24-27).

While the Office Action appears to assert that the XSL style sheets described in Zirngibl somehow relate to catch styles, XSL style sheets are merely used to convert an XML document from one schema to another (e.g., HTML) without having to write a program. They do not "[present] a style-selection menu for a plurality of catch styles that allows for selection of one or more of the catch styles," as recited in independent claim 1 or otherwise relate to catch styles. Further, although XML style sheets relate to style in that they may dictate the layout of a document, they are not menu-based and therefore do no relate to any sort of "style-selection menu," as recited in claim 1.

Indeed, Zirngibl is *completely silent* with respect to the selection of one or more catch styles or a menu that allows the same. Catch styles are not described anywhere in Zirngibl, so that the selection of one or more catch styles is necessarily also not disclosed.

In view of the foregoing, the combination of Marx and Zirngibl does not teach or suggest "presenting a style-selection menu for a plurality of catch styles that allows for selection of one or more of the catch styles, each catch style defining a system response to each of a plurality of catch events," as recited in claim 1. For at least this reason, the rejection of claim 1 is improper and should be withdrawn.

      c.   Independent Claim 30

For reasons that may be appreciated from the discussion provided in connection with claim 1, the combination of Marx and Zirngibl does not teach or suggest "a computer, the computer including an interface having a style-selection template for a plurality of catch styles that allows for selection of one of one or more of the catch styles, each catch style defining a system response to each of a plurality of catch events," as recited in claim 30. For at least this reason, the rejection of claim 30 is improper and should be withdrawn.

d. Independent Claim 39

For reasons that may be appreciated from the discussion provided in connection with claim 1, the combination of Marx and Zirngibl does not teach or suggest "presenting a style-selection menu for a plurality of catch styles that allows for selection of one or more of the catch styles, wherein each catch style defines a system response to each of a plurality of catch events," as recited in claim 39. For at least this reason, the rejection of claim 39 is improper and should be withdrawn.

e. Dependent Claims

Since each of the dependent claims depends from a base claim that is believed to be in condition for allowance (as discussed above), the Assignee believes that it is unnecessary at this time to argue the allowability of each of the dependent claims individually. However, the Assignee does not necessarily concur that the basis for the rejections of any of the dependent claims is proper. Therefore, the Assignee reserves the right to specifically address the patentability of the dependent claims in the future, if deemed necessary.

CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Assignee's representative at the telephone number indicated below to discuss any outstanding issues relating to the allowability of the application.

The Assignee believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 23/2825 under Docket No. N0484.70570US00 from which the undersigned is authorized to draw.

Dated: June 24, 2009

Respectfully submitted,
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